

1 **R277. Education, Administration.**

2 **R277-516. Education Employee Required Reports of Arrests.**

3 **R277-516-1. Definitions.**

4 A. "Arrest" means any citation, restraint or apprehension
5 by law enforcement that results in a law enforcement
6 representative taking fingerprints from the alleged offender.

7 B. "Board" means the Utah State Board of Education.

8 C. "Licensed educator" means an individual who holds a
9 valid Utah educator license and has satisfied all requirements
10 to be a licensed classroom teacher or administrator in the
11 Utah public school system (examples are traditional public
12 school teachers, charter school teachers, school
13 administrators, USOE and school district specialists). A
14 licensed educator may or may not be employed in a position
15 that requires an educator license. Licensed educators include
16 individuals who are student teaching, who are in alternative
17 routes to licensing programs or positions and individuals who
18 hold district- or charter school-specific licenses.

19 D. "Public education employer" means the education entity
20 that hires and employs an individual, including public school
21 districts, the Utah State Office of Education, Regional
22 Service Centers, and charter schools.

23 E. "Public education employee" means an employee of the
24 Utah public school system in a position that does not require
25 a Utah educator license. Examples of public education
26 employees are school bus drivers, teachers' aids, school lunch
27 workers, after/before school program directors, substitute
28 teachers, school custodians, all employees, in any position,
29 of school districts, charter schools and the USOE. Public
30 education employee also includes a public school volunteer in
31 any position.

32 F. "Minor traffic violation" means any violation or
33 arrest that may result in a citation or ticket but does not
34 include taking an alleged violator's fingerprints. Examples

of minor traffic violations are parking tickets/citations,
expired registration, lane-change or failure-to-yield
violations. Driving under the influence or driving while
intoxicated or other drug or alcohol-related arrest or
citation are not minor traffic violations.

G. "USOE" means the Utah State Office of Education.

R277-516-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article
X, Section 3 which vests the general control and supervision
of the public schools in the Board, by Sections
53A-1-301(3)(a) and 53A-1-301(3)(d)(x) which instructs the
State Superintendent of Public Instruction (Superintendent) to
perform duties assigned by the Board that include presenting
to the Governor and the Legislature each December a report of
the public school system for the preceding year that includes
investigation of all matters pertaining to the public schools,
and statistical and financial information about the school
system which the Superintendent considers pertinent; and by
Sections 53A-1-402(1)(a)(i) and (iii) which direct the Board
to establish rules and minimum standards for the public
schools regarding the qualification and certification of
educators and ancillary personnel who provide direct student
services, and the evaluation of instructional personnel.

B. The purpose of this rule is ensure that all students
who are compelled by law to attend public schools, subject to
release from school attendance consistent with Section 53A-11-
102, are instructed and served by public school teachers and
employees who have not violated laws that would endanger
students in any way.

**R277-516-3. Public Education Employee Personal Responsibility
for Reporting Arrests.**

A. A public education employee who is arrested shall tell

67 the arresting officer that he is employed by a public
68 education entity and identify his employer.

69 B. A public education employee shall report all arrests,
70 citations or detentions by law enforcement personnel that
71 result in fingerprinting the employee.

72 C. The public education employee shall report the arrest
73 in writing to the public education employee's employer.

74 D. The public education employee shall report the arrest
75 in writing or electronically:

76 (1) a report form shall be available electronically at
77 www.schools.utah.gov; or

78 (2) a public education employee shall fax or mail a copy
79 of the arrest report to the public education employer; or

80 (3) a public education employee shall summarize the
81 arrest information and mail the summary to the public
82 education employer; or

83 (4) a public education employee shall satisfy the
84 reporting requirement using any other reasonable method.

85 E. The public education employee shall make the report
86 within 48 hours of the arrest.

87 F. The public education employee shall report for work to
88 the employing education entity unless directed not to report
89 for work by the employer.

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91 **R277-516-4. Additional Reporting Requirements for Public**
92 **Employees who Drive Motor Vehicles, Including School Buses, as**
93 **an Employment Responsibility.**

94 A. In addition to the public employee reporting
95 responsibilities of Section R277-516-3 above, a public
96 education employee who operates a motor vehicle as an
97 employment assignment shall:

98 (1) report both arrests and traffic violations to his
99 employer;

100 (2) report arrest(s) and traffic violations in writing no

more than 48 hours following the arrest or citation; and
(3) report arrests/citations/traffic violations using
procedures outlined in R277-516-3C.

R277-516-5. Public Employer Responsibilities Upon Receipt of Arrest Information from Employees.

A. A public education employer that receives arrest information about a licensed employee or a public education employee shall review arrest information and assess the employee's continued employment consistent with Section 53A-6-501 and R277-515.

B. Upon receipt of arrest information for a traffic violation or a drug or alcohol-related arrest or violation about an employee who drives a motor vehicle as an employment responsibility, a public education employer shall immediately suspend the public employee from all driving assignments until a district investigation has been completed.

C. Public education employers shall review arrest information received regarding an employee and assess the necessity of immediate suspension of the employee or the employee's assignment.

D. A public education employer shall provide notice to the USOE in a timely manner that a licensed public education employee was arrested or cited for an offense or violation that included fingerprinting and shall cooperate with the USOE in investigations of licensed educators.

E. Public education employers shall review arrest information of a public school volunteer, upon receipt of the information, and consider the appropriateness of the volunteer's continued participation with public school students.

R277-516-6. Penalties for Failure to Report and Maintenance of Information.

133 A. A licensed Utah educator who fails to make a report
134 required by this rule shall be referred for investigation
135 immediately to the Utah Professional Practices Advisory
136 Commission.

137 B. A public education employer that learns of an
138 employee who was arrested and who failed to report an arrest
139 or citation consistent with this rule shall immediately
140 evaluate the appropriateness of the employee's continued
141 employment.

142 C. A public education employer that learns of a public
143 school volunteer who was arrested and who failed to report the
144 arrest shall be evaluated for continued participation with
145 public school students.

146 D. A public education employer that fails to provide
147 notice of an educator arrest within a reasonable time or fails
148 to fully cooperate in an inquiry or investigation by the USOE
149 or the Utah Professional Practices Advisory Commission shall
150 be subject to the provisions of Section 53A-1 301(3).

151 E. Each public education employer shall have a policy
152 providing for the maintenance of records of arrests of
153 licensed and non-licensed employees. Records shall include
154 criminal or judicial actions following the arrest or citation
155 and final administrative determinations following
156 investigation and employer action.

157 **KEY: school employees, self reporting**

158 **Date of Enactment or Last Substantive Amendments: 2009**

159 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3;**
160 **53A-1-301(3)(a); 53A-1-301(3)(d)(x); 53A-1-402(1)(a)(i); 53A-**
161 **1-402(1)(a)(iii)**